

REMARKS

Claims 1-8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38 are currently pending in this application. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claim 4.

Please cancel Claims 2 and 6 without prejudice. Please amend Claims 1, 3-5, 7, 8, 18 and 38 as set forth herein. No new matter has been added.

In the Office Action, the Examiner has rejected Claims 1-3, 5-8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38 under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art (APA) in view of Heikkinen et al. (WO 95/32558) and further in view of Lamoureux et al. (U.S. 6,330,458).

With regard to the rejections of independent Claims 1, 5, 8, 18 and 38 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Heikkinen et al., and further in view of Lamoureux et al. Heikkinen et al. discloses a method for improving connection quality in a cellular radio system, and a base station; and, Lamoureux et al. discloses intelligent antenna sub-sector switching for time slotted systems.

Each of independent Claims 1, 5, 8, 18 and 38 have been amended to recite that the switching control signal generated such that the switching occurs only in a non-transmission period of a last time slot within a sub-frame, the sub-frame includes a plurality of time slots, each time slot includes a transmission period followed by a non-transmission period. It is respectfully submitted that none of the cited references, either alone or in combination, teach or disclose a switching control signal generated such that the switching occurs only in a non-transmission period of a last time slot within a sub-frame, the sub-frame includes a plurality of time slots, each time slot includes a transmission period followed by a non-transmission period.

Independent Claims 1, 5, 8, 18 and 38 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 3, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 3-5, 7, 8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the printed name.

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